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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,086	09/21/2000	Kazunori Ukiyawa	59684-012	8900
7590	04/23/2004		EXAMINER	
McDermott Will & Emery 600 13th Street NW Washington, DC 20005-3096			DUONG, OANH L	
			ART UNIT	PAPER NUMBER
			2155	8
DATE MAILED: 04/23/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/666,086	UKIGAWA ET AL.	
	<b>Examiner</b> Oanh L. Duong	<b>Art Unit</b> 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 22 January 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 2-7 and 9-30 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 2-7 and 9-30 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date .

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_ .

Claims 1 and 8 have been cancelled.

Claims 2-7 and 9-30 are presented for examination.

***Information Disclosure Statement***

1. The information disclosure statement filed 02/02/2004 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

***Claim Objections***

2. Claims 2, 4, 6 and 11 are objected to because of the following informalities:

Regarding claim 2, "the value" in line 9 is insufficient antecedent basis. Appropriate correction is required.

Regarding claims 4 and 6, some typographical error has been found (i.e., "terminal deices" in claim 4) in page 5 line 6, and "scrver device" in claim 6, page 6 line 4.

Regarding claim 11, ":" in page 8 lines 1-3 at the time should be removed.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 14-16, 23-24 and 28-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Salmivalli (US 6,324,399 B1).

Regarding claim 14, Salmivalli teaches a server device connected to terminal devices through a network (Fig. 1), wherein said terminal devices connected to said server device through the network are divided into groups (col. 6 lines 33-54);

wherein the server device comprises:  
input information receiving means for receiving predetermined information send from the terminal device through the network (col. 4 line 65-col. 5 line 26 and col. 6 lines 11-15);

counting means for counting for every group of terminal devices, in accordance with input information received by input information receiving means (col. 4 lines 59-61);

information providing means for providing said terminal devices with information which differ from each of group of said terminal, in accordance with a counted result for every group as counted by said counting means (col. 5 lines 26-65 and col. 6 lines 15-32).

Regarding claim 15, Salmivalli teaches user information registration means for registering information regarding users of said terminal devices which are connected to said server device through the network (col. 4 lines 8-12), and

Wherein said terminal devices connected to said server device through the network are divided into groups in accordance with the information registered by said user information registration means (col. 4 line 6-col. 5 line2), and

Said counting means refers to the user information registration means based on the input information received by said input information receiving means, and counts for each group of said terminal devices (col. 4 lines 59-61).

Regarding claim 16, Salmivalli teaches counting means includes any of (1) means for counting for every group member of items of input information that the input information receiving means receives (col. 4 lines 59-61), (2) means for counting number of log-in people to the network system at that time for every group, in accordance with input information that the input information receiving means, or (3) means for counting up for every group, when said input information

is information indicating log-in to the server devices, and counting down for every group, when information indicates log-out .

Regarding claim 23, a computer readable recording medium of claim 23 has a corresponding a server device connected to terminal devices though a network of claim 14; therefore, claim 23 is rejected under the same rationale as applied to claim 14.

Regarding claim 24, a computer data signal embodied in a carrier wave of claim 24 has a corresponding a server device connected to terminal devices though a network of claim 14; therefore, claim 24 is rejected under the same rationale as applied to claim 14.

Regarding claim 28, an information server system of claim 28 has a corresponding a server device connected to terminal devices though a network of claim 14; therefore, claim 28 is rejected under the same rationale as applied to claim 14.

Regarding claim 29, a method of claim 29 has a corresponding server device connected to terminal device through a network of claim 14; therefore, claim 29 is rejected under the same rationale as applied to claim 14.

4. Claims 2-7, 9-13, 17-20, 25-27 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Troxel in view of Morita (JP 55047713 A).

Regarding claim 2, Troxel teaches a network system including a server device (i.e., host 212) and terminal devices (i.e., client computer system 232,

234, 236) connected to said server device via a network (i.e., network 220, Fig. 2), wherein:

    said server device comprises:

        input information receiving means for receiving predetermined input information which is sent from said terminal device via the network (e.g., see col. 4 line 57-col. 5 line 9);

        count means (i.e., concurrent user counter 354) for counting in accordance with the input information that said input information receiving means receives (e.g., see col. 5 lines 20-41),

        information providing means for providing information in accordance with the value counted by said count means (i.e., sending a message to client if the number of users using the system is greater the number of users authorized to use the system, see col. 5 lines 20-41); and

        sending means for sending the information providing means provides via said network to the terminal devices (e.g., see col. 5 line 65-col. 6 line 9);

    wherein terminal devices comprise:

        input means for inputting said predetermined input information (see col. 3 lines 66-67),

        input information sending means for sending the input information input from said input means via the network, and controlling the input information receiving means of said server device to receive (e.g., see col. 4 lines 57-54);

        receiving means for receiving information sent from the sending means of the server device via the network (e.g., see col. 5 line 65-col. 6 line 8);

and output means for outputting information that the receiving means receives (e.g., see col. 3 line 67-col. 4 line 3).

Troxel does not explicitly teach the counter and voice information as claimed.

Morita, in the same field of endeavor, teaches providing voice information (i.e., audio) in accordance with the value that the counting means counts (ABSTRACT). Morita teaches such a counter would enable the audio information/volume to automatically increased or decreased according to the counting value, and thereby allowing suitable audio/voice information/volume to be obtained/outputted (PURPOSE). For this reason, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the counter to control audio/voice information/volume output of Morita in the process of providing information in Troxel.

Regarding claim 3, Troxel teaches a network system including a server device (i.e., host 212) and terminal devices (i.e., client computer system 232, 234, 236) connected to said server device via a network (i.e., network 220, Fig. 2), wherein said terminal devices connected to said server device are divided into groups (col. 6 lines 52-67) and

said server device comprises:

input information receiving means for receiving predetermined input information which is sent from the terminal devices via the network (e.g., see col. 4 line 57-col. 5 line 9);

count means (i.e., concurrent user counter 354) for counting for every group in accordance with the input information that said input information receiving means receives (e.g., see col. 5 lines 20-41),

information providing means for providing information in accordance with a counted value for every group a counted by said count means (i.e., sending a message to client if the number of users using the system is greater the number of users authorized to use the system, see col. 5 lines 20-41); and

sending means for sending that the information providing means provides, to the terminal devices, via said network (e.g., see col. 5 line 65-col. 6 line 9); wherein

said terminal devices comprise:

input means for inputting said predetermined input information (see col. 3 lines 66-67),

input information sending means for sending the input information input by said input means via the network, and controlling the input information receiving means of said server device to receive (e.g., see col. 4 lines 57-54);

means for receiving information sent from the sending means of the server device via the network (e.g., see col. 5 line 65-col. 6 line 8);

and output means for outputting information that the receiving means receives (e.g., see col. 3 line 67-col. 4 line 3).

Troxel does not explicitly teach the counter and voice information as claimed.

Morita, in the same field of endeavor, teaches providing voice information (i.e., audio) in accordance with the value that the counting means counts (ABSTRACT). Morita teaches such a counter would enable the audio information/volume to automatically increased or decreased according to the counting value, and thereby allowing suitable audio/voice information/volume to be obtained/outputted (PURPOSE). For this reason, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the counter to control audio/voice information/volume output of Morita in the process of providing information in Troxel.

Regarding claim 4, Troxel teaches network system including a server device and terminal devices connected to said device through a network (e.g., see fig. 2), wherein said server devices includes a memory for storing program, a processor for executing program (e.g., see col. 3 lines 52-59), and a first communication device for sending and receiving information to and from said terminal devices (e.g., see col. 2 lines 65-67 and col. 5 line 65-col. 6 line 8); the first communication device receiving predetermined input information sent from said terminal device through the network (e.g., see col. 4 line 57-col. 5 line 9); the processor counting in accordance with the input information received by the first communication device (e.g., see col. 5 lines 20-41), processor generating information corresponding to the counted value (e.g., see col. 5 lines 20-41), and said server device sending the generated information to said terminal devices from the first communication device through the network (e.g., see col. 5 line 65-col. 6 line 9); each of said terminal devices includes a memory for storing a

program, a processor for executing the program, an input device for inputting information, an output device for outputting information (e.g., see col. 3 line 52-col. 3 line 14) and a second communications device for sending and receiving to and from said server device (e.g., see col. 4 lines 15-20); inputs the predetermined input information through the input device (see col. 3 lines 66-67), sends the input information input from the input device to the second communications device from the second communication device through the network (e.g., see col. 4 lines 57-54); the second communications device receiving the information from the communications device of said server through the network (e.g., see col. 5 line 65-col. 6 line 8), each of said terminal devices outputting the information received by the second communications from the output device (e.g., see col. 3 line 67-col. 4 line 3).

Troxel does not explicitly teach the counter and voice information as claimed.

Morita, in the same field of endeavor, teaches providing voice information (i.e., audio) in accordance with the value that the counting means counts (ABSTRACT). Morita teaches such a counter would enable the audio information/volume to automatically increased or decreased according to the counting value, and thereby allowing suitable audio/voice information/volume to be obtained/outputted (PURPOSE). For this reason, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the counter to control audio/voice information/volume output of Morita in the process of providing information in Troxel.

Regarding claim 5, Troxel, teaches an formation server system which servers participants of a network service with information through a network (e.g., see fig. 2) comprising accepting means for accepting predetermined information sent from the participants of the network service through the network (e.g., see col. 4 line 57-col. 5 line 9); count means for counting in accordance with the predetermined information which said accepting means has accepted (e.g., see col. 5 lines 20-41); and information providing means for providing information corresponding to a value counted by said count means to the participants of the network service through the network (e.g., see col. 5 lines 20-41).

Troxel does not explicitly teach providing voice information corresponding to a value counted by a said count means.

Morita, in the same field of endeavor, teaches providing voice information (i.e., audio) corresponding to a value counted by a said count means (ABSTRACT). Morita teaches such a counter would enable the audio information/volume to automatically increased or decreased according to the counting value, and thereby allowing suitable audio/voice information/volume to be obtained/outputted (PURPOSE). For this reason, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the counter to control audio/voice information/volume output of Morita in the process of providing information in Troxel.

Regarding claim 6, the method of claim 6 has a corresponding network system of claim 2; therefore, claim 6 is rejected under the same rationale as applied to claim 2.

Regarding claim 7, Troxel teaches a method for providing information to participants of a network server through a network (e.g., fig. 2), said method including providing the participant of the network service through the network with information corresponding to a value counted in accordance with predetermined information sent from the participants of the network service through the network (e.g., see col. 5 lines 20-41).

Troxel does not explicitly teach providing voice information corresponding to a value counted by a said count means.

Morita, in the same field of endeavor, teaches providing voice information (i.e., audio) corresponding to a value counted by a said count means (ABSTRACT). Morita teaches such a counter would enable the audio information/volume to automatically increased or decreased according to the counting value, and thereby allowing suitable audio/voice information/volume to be obtained/outputted (PURPOSE). For this reason, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the counter to control audio/voice information/volume output of Morita in the process of providing information in Troxel.

Regarding claim 9, Troxel teaches a server device which is connected to terminal devices through a network (e.g., see fig. 2) comprising

input information receiving means for receiving predetermined information sent from said terminal devices through the network (e.g., see col. 4 line 57-col. 5 line 9);

counting means for counting in accordance with the input information received by the input information receiving means (e.g., see col. 5 lines 20-41);

information providing means for providing information in accordance with a value counted by said counting means (e.g., see col. 5 lines 20-41).

sending means for sending information provided by the information providing means provides, to the terminal devices through said network (e.g., see col. 5 line 65-col. 6 line 9).

Troxel does not explicitly teach providing voice information corresponding to a value counted by a said count means.

Morita, in the same field of endeavor, teaches providing voice information (i.e., audio) corresponding to a value counted by a said count means (ABSTRACT). Morita teaches such a counter would enable the audio information/volume to automatically increased or decreased according to the counting value, and thereby allowing suitable audio/voice information/volume to be obtained/outputted (PURPOSE). For this reason, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the counter to control audio/voice information/volume output of Morita in the process of providing information in Troxel.

Regarding claim 10 Troxel-Morita teaches provide voice information having a modified representation which is output in accordance with the value counted by said counting means (Morita, abstract).

Regarding claim 11, Troxel teaches said counting means includes any of (1) means for counting for every group member of item of input information that

the input information receiving means receives, (2), means for counting number of log-in people to the network system at that time for every group, in accordance with input information that the input information receiving means, or (3) means for counting up for every group, when said input information is information indicating log-in to the server devices, and counting down for every group, when information indicates log-out (e.g., see col. 16 lines 18-24).

Regarding claim 12, Troxel-Morita teaches the predetermined input information is information, which is input from said terminal device, as regards contents of the information provided by said information providing means (Troxel, col. 5 lines 52-56); and said counting means counts in accordance with the input information which is received by said input information receiving means at a predetermined interval (Troxel, e.g., see col. 5 lines 21-41 and col. 9 lines 23-27), voice information (Morita, abstract).

Regarding claim 13, Troxel-Morita teaches the predetermined input information includes various type of contents of the information provided by said information providing means (Troxel, col. 7 lines 20-25); and said counting means is means for counting for every type of the contents of the input information (Troxel, e.g., see col. 5 lines 20-41), voice information (Morita, abstract).

Regarding claim 17, the server device of claim 17 has a corresponding server device of a network system of claim 4; therefore, claim 17 is rejected under the same rationale as applied to the server device of a network system of claim 4.

Regarding claim 18, Troxel teaches the predetermined input information is information which is input, in said terminal device, as regards contents of the information generated by the processor and sent from the communication device (e.g., see col. 5 lines 52-56); and processor counts in accordance with the input information received by the communications device at a predetermined interval (e.g., see col. 5 lines 21-41 and col. 9 lines 23-27).

Regarding claim 19, a computer readable recording medium of claim 19 has a corresponding method of claim 6; therefore, claim 19 is rejected under the same rationale as applied to claim 6.

Regarding claim 20, a computer data signal embodied in a carrier wave of claim 20 has a corresponding method of claim 6; therefore, claim 20 is rejected under the same rationale as applied to claim 6.

Regarding claims 25-27 and 30, Troxel teaches counting means includes any of (1) means for counting for every group member of items of input information that the input information receiving means receives, (2) means for counting number of log-in people to the network system at that time for every group, in accordance with input information that the input information receiving means, or (3) means for counting up for every group, when said input information is information indicating log-in to the server devices, and counting down for every group, when information indicates log-out (col. 18 lines 24-36).

5. Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salmivalli in view of Morita.

Regarding claim 21, Salmivalli teaches a server device which can communicate with terminal devices through network, the server device including memory for storing a program, a processor for executing the program, and a communications device for sending and receiving information to and from said terminal devices (Fig. 5),

the communication device receiving predetermined information send from said terminal devices (col. 4 line 65-col. 5 line 26 and col. 6 lines 11-15) that are divided into groups beforehand, through the network (col. 4 line 65-col. 5 line 2),

the processor counting for every group, in accordance with the input information received by the communication device (col. 4 lines 59-61),

the processor generating for every group, information corresponding to the counted value (col. 5 lines 26-65 and col. 6 lines 15-32),

said server device sending the generated information to said terminal device from the communication device through the network (col. 6 lines 20-32).

Salmivalli does not explicitly teach generating voice information corresponding to the counted value as claimed.

Morita, in the same field of endeavor, teaches generating voice information (i.e., audio) corresponding to the counted value (ABSTRACT). Morita teaches such counter would enable the audio information/volume to automatically increased or decreased according to the counting value, and thereby allowing suitable audio/voice information/volume to be obtained/outputted (PURPOSE). For this reason, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have

utilized the counter to control audio/voice information/volume output of Morita in the process of providing information in Salmivalli.

Regarding claim 22, Salmivalli teaches counting means includes any of (1) means for counting for every group member of items of input information that the input information receiving means receives (col. 4 lines 59-61), (2) means for counting number of log-in people to the network system at that time for every group, in accordance with input information that the input information receiving means, or (3) means for counting up for every group, when said input information is information indicating log-in to the server devices, and counting down for every group, when information indicates log-out .

6. Applicant's arguments with respect to claims 2-7 and 9-30 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

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calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh L. Duong whose telephone number is (703) 305-0295. The examiner can normally be reached on Monday- Friday, 8:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

O.D  
April 18, 2004

*M. Rehm*  
HOSAIN ALAM  
SUPERVISORY PATENT EXAMINER